

the law says that when there is a conflict between an appropriator and a riparian user, you simply balance the interests. So what we are doing in effect here in this limited circumstance when you are talking about transferring water, is you are preferring the appropriator over the riparian user, and I think that is inappropriate. So I would hope that we would consider the interests of a riparian user. Those of you who are concerned about ground water users should also consider what I am saying, because you know that there is a significant effect in some cases upon ground water from water that flows in the stream and when you take water out of a stream, that can have a negative effect on ground water recharge and that can affect some ground water users. So I believe the other water users other than appropriators have an interest and I think it is only right that we see that that interest is protected. So until we can resolve this issue which I think is important, I cannot support LB 21 and I would urge us to hold it over. I believe Senator Schmit and I can get together on this issue. I know he is making an attempt to do that, but I don't believe the amendment that we have adopted that Senator Schmit proposed in good faith has met my concern, and I know Senator Schmit expressed an interest in meeting that concern. I think we can, and so I hope that we would give us a little bit of time so Senator Schmit, myself and others who are interested in this issue can get together. Thank you.

SPEAKER NICHOL: Senator Schmit.

SENATOR SCHMIT: I would like to ask Senator Cullan a question, if he would yield, please.

SPEAKER NICHOL: Senator Cullan.

SENATOR CULLAN: Yes, Senator Schmit.

SENATOR SCHMIT: Senator Cullan, I guess my concern about the broad use of the word "user" raises some questions. Would you be willing to accept the words "riparian users" of water? Right after appropriators, "riparian", "and riparian users". I guess what I am trying to say, Senator Cullan, is that if you say, "user", if I dip my bucket in the Platte River down here, I am a user of water, or if I am boating on the river, I am a user of water. If I am fishing in the river, I am technically a user of water. I have no objection to protecting those riparian water rights and if you could accept that kind of language, it would be a very simple amendment.

SENATOR CULLAN: Senator Schmit, I think that goes an awful long ways to meeting my concerns. I appreciate it. I think